

Message Text

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63

ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-02 CIAE-00 COME-00

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P R 192349Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY THE HAGUE

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY DUBLIN

AMEMBASSY VIENNA

INFO AMEMBASSY BERN

AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR, XT, US

SUBJECT: CIVAIR - TRANSATLANTIC CHARTER FLIGHTS

REF: STATE 291770 AND PREVIOUS

1. US NEGOTIATIONS WITH VARIOUS EUROPEAN COUNTRIES IN
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OCTOBER AND DECEMBER RE TRANSATLANTIC CHARTER FLIGHTS HAVE

PRODUCED AGREEMENT ONLY WITH SWITZERLAND. WHILE SOME OF REMAINING POINTS OF DIFFERENCES MAY BE NEGOTIABLE, WE CONCLUDED THAT US SHOULD REASSESS OVERALL SITUATION BEFORE PROCEEDING TO PROBABLE FURTHER ROUND OF TALKS NEXT YEAR. IN MEANTIME, EXISTING CHARTER UNDERSTANDINGS GENERALLY EXPIRE ON DECEMBER 31. US PROPOSAL TO EXTEND THESE UNDERSTANDINGS FOR 90 DAYS AND TO AMEND THEM TO INCLUDE ACCEPTANCE OTC'S UNDER US RULE DURING 90-DAY PERIOD HAS BEEN UNIVERSALLY REJECTED. IT APPEARS, HOWEVER, THAT COUNTRIES ARE WILLING EXTEND EXISTING UNDERSTANDINGS FOR 60 DAYS WITHOUT CHANGE AND TO CONSIDER APPLICATIONS FOR OTC'S SUBJECT TO CERTAIN CONDITIONS.

2. ALTHOUGH EXTENSION EXISTING UNDERSTANDINGS FOR LOW WINTER SEASON MAY NOT BE COMMERCIALY IMPORTANT, DEPARTMENT AND CAB BELIEVE IT WOULD BE BETTER KEEP THE UNDERSTANDINGS VALID, RATHER THAN START FROM SCRATCH IN FURTHER

NEGOTIATIONS. ACCORDINGLY, ADDRESSEE POSTS (EXCEPT VIENNA) SHOULD PROPOSE THAT PROCEDURAL STATUS QUO ON ABC/TGC'S BE MAINTAINED BY EXTENDING EXISTING UNDERSTANDINGS, PREFERABLY UNTIL MARCH 31, 1976, BUT ONLY UNTIL FEBRUARY 29, 1976 IF COUNTRY SO INSISTS. AT SAME TIME, POSTS SHOULD ORALLY STATE THAT, WHILE USG IS NOT SEEKING FORMAL UNDERSTANDING WITH RESPECT OPERATION OF OTC'S, IT ASSUMES COUNTRY WILL ALLOW OTC'S TO OPERATE DURING THIS LOW WINTER SEASON PERIOD. POSTS SHOULD ALSO STATE THAT US WILLINGNESS EXTEND EXISTING MOU IN NO WAY IMPLIES USG ACCEPTS CONDITIONS ECAC HAS ESTABLISHED FOR OTC'S.

3. AN UNRESOLVED ISSUE WITH MOST COUNTRIES IS TGC SUBSTITUTION QUESTION. CAB RULE PROVIDES THAT UP TO 15 PERCENT OF PASSENGERS MAY BE SUBSTITUTED WITH OTHER PASSENGERS (WHO NEED NOT MEET TGC CRITERIA) UP TO FLIGHT DEPARTURE. ADDRESSEES WILL RECALL THAT EUROPEANS ORIGINALLY PROPOSED FIVE PERCENT LIMITATION, WHICH LATER CHANGED TO TEN PERCENT. IF ANY COUNTRY RAISES THIS QUESTION IN CONNECTION WITH SHORT-TERM EXTENSION OF EXISTING ABC/TGC UNDERSTANDINGS, POSTS LIMITED OFFICIAL USE

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SHOULD POINT OUT THAT US MIGHT HAVE ASKED TO CHANGE OTHER ASPECTS OF EXISTING UNDERSTANDINGS AND THAT ONLY WAY FOR BOTH SIDES TO PROCEED IN TERMS OF A SHORT-TERM EXTENSION IS EXTEND WITHOUT ANY CHANGES. IF ANY COUNTRY BALKS AT THIS AND INSISTS ON CHANGING EXISTING TEXTS TO REFLECT ITS POSITION ON TGC SUBSTITUTION, POSTS SHOULD STATE THAT USG NOT PREPARED EXTEND UNDERSTANDINGS FOR THE SHORT PERIOD BEING

PROPOSED IF SUCH CHANGES IN TEXTS ARE PROPOSED.

4. ADDITIONAL INSTRUCTIONS FOR INDIVIDUAL POSTS FOLLOW.

5. FOR BRUSSELS: EMBASSY SHOULD NOT MAKE ORAL STATEMENT PARA 2 ABOVE, SINCE EXISTING UNDERSTANDING COVERS ALL CHARTER TYPES. WE UNDERSTAND FROM BRUSSELS 10901 THAT GOB WILLING EXTEND MOU ON "INFORMAL" BASIS. WHILE WE NOT CERTAIN WHAT THIS MEANS, IT WOULD BE ACCEPTABLE TO EXTEND BY MEANS OF EXCHANGE OF LETTERS BETWEEN EMBASSY (PREFERABLY AMBASSADOR OR ECONOMIC COUNSELOR) AND MINISTER OF COMMUNICATIONS (OR HIS DEPUTY OR EVEN VANDERPERREN). PROPOSED TEXT WILL BE SENT IN ONE OR TWO DAYS.

6. FOR HAGUE: IN MAKING US PROPOSAL (FOR 60-DAY EXTENSION SINCE DUTCH HAVE REJECTED 90-DAY PROPOSAL), EMBASSY SHOULD NOT CLARIFY WHETHER US WOULD REGARD RABEN'S LETTER OF DECEMBER 5 (HAGUE 6282) AS A NEGATIVE

RESPONSE TO US ORAL STATEMENT ON OTC'S. IN EFFECT, RABEN'S LETTER AND US ORAL STATEMENT CAN BOTH STAND AS IS. EXTENSION OF UNDERSTANDING SHOULD PROBABLY BE BY EXCHANGE NOTES, SINCE ORIGINAL UNDERSTANDING WAS IN THAT FORM. PROPOSED TEXT WILL BE SENT IN ONE OR TWO DAYS.

7. FOR PARIS AND BONN: PROPOSED TEXT NOTE EXCHANGE WILL BE SENT IN DAY OR TWO.

8. FOR DUBLIN: WHILE WE DO NOT WANT FORMALLY TO REJECT IRISH PROPOSAL FOR ONE-YEAR UNDERSTANDING (DUBLIN 22260), WE DO NOT WANT TO ACCEPT IT AT THIS TIME. ACCORDINGLY, LIMITED OFFICIAL USE

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EMBASSY SHOULD TAKE NALLY UP ON HIS WILLINGNESS EXTEND UNDERSTANDING. RE FORM OF EXTENSION, WE WOULD PREFER EXCHANGE NOTES SINCE ORIGINAL UNDERSTANDING DONE IN THAT FORM, BUT EXCHANGE OF LETTERS BETWEEN EMBASSY AND NALLY WILL SUFFICE. PROPOSED TEXT WILL BE SENT DAY OR TWO.

9. FOR VIENNA: IT IS OUR INTERPRETATION THAT INTERIM UNDERSTANDING DOES NOT EXPIRE ON DECEMBER 31. HOWEVER, IN ORDER CONFIRM THAT GOA SHARES THIS VIEW, SUGGEST THAT EMBASSY INFORMALLY DISCUSS SITUATION WITH AUSTRIAN OFFICIALS AND SUGGEST TO THEM THAT BOTH COUNTRIES REGARD INTERIM UNDERSTANDING AS REMAINING IN EFFECT UNTIL AN AGREEMENT IS REACHED TO SUPERCEDE THE INTERIM ONE. WE HOPE TO SET A DATE FOR CONSULTATIONS EARLY IN 1976.

UNLESS EMBASSY HAS ALREADY DONE SO PER PARA 1, STATE
284311, NO ORAL STATEMENT RE OTC'S SHOULD BE MADE.
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